

REMARKS

In view of the above amendments and the following remarks, the Examiner is respectfully requested to withdraw the rejections and allow Claims 1-5, 7-12 and 14-19, the only claims pending and under examination at this time following entry of the above amendments.

The undersigned thanks the Examiner for the helpful interview held on November 5, 2003. During the interview, the claims were discussed and potential amendments for distinguishing the claims from the prior art were evaluated. The Examiner indicated that it would be helpful to provide specific structural limitations into the claims in order to overcome the rejections.

The specification has been amended to specifically include text from the previously incorporated by reference application 09/353,127. The claims have been amended to specify that the fluid delivery device is a device that simultaneously introduces fluid to and aspirates fluid from a target site, support for this amendment being found at page 9, particularly lines 13 to 15 of the specification. As such, no new matter has been added and entry of the above amendments and new claims is therefore respectfully requested.

The Examiner has rejected Claims 1-5, 7-12 and 14-19 under 35 U.S.C. § 102(e) as being anticipated by Hausheer.

As amended, the claimed kits are limited such that the fluid delivery means must be one that includes separate fluid introduction and removal means. The reference cited by the Examiner discloses a method based on systemic administration of a fluid, and therefore does not teach or even suggest a device as required in the above claims. As such, Hausheer fails to teach a kit that includes the recited fluid delivery devices.

Because Hausheer fails to teach each and every element of the claimed kit, e.g., the recited fluid delivery devices, Hausheer fails to anticipate Claims 1-20 under 35 U.S.C. § 102(e) and this rejection may be withdrawn.

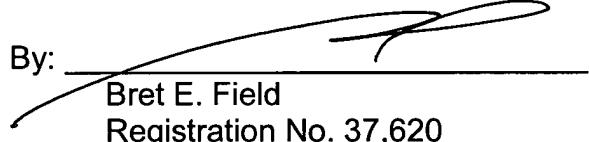
CONCLUSION

In view of the above amendments and remarks, this application is considered to be in good and proper form for allowance and the Examiner is respectfully requested to pass this application to issuance. The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 and 1.17 which may be required by this paper, or to credit any overpayment, to Deposit Account No. 50-0815.

Respectfully submitted,

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Date: 11/14/03

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